IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.24384 of 2008
LALAN SINGH------ Petitioner
Versus
THE STATE OF BIHAR ---- O.P.
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3 15.10.2008 The case is under Section 302 of the I.P.C. The bail prayer of the petitioner was earlier rejected by this Court thrice vide orders dated 10.02.2004, 25.01.2005 & 16.02.2006 under respective Cr. Misc. Nos. 29643 of 2003, 1716 of 2005 and 2314 of 2006 vide Annexures- 1 to 3.

Learned counsel for the petitioner submits that the co-accused Sanjeet Singh whose case was similarly situated had already been allowed bail by a Bench of this Court vide order dated 01.05.2008 passed in Cr. Misc. No.9590 of 2008 on the ground that the case was on the verge of closer and the petitioners have been transferred to another jail and that it was not clear that when the trial would be concluded. The petitioner has filed the copy of Trial Court's order dated 13.03.2003, 14.02.2008, 22.02.2008, 29.02.2008, 04.03.2008, 05.03.2008, 11.03.2008, 25.03.2008, 08.04.2008, 19.04.2008, 28.04.2008 and 05.05.2008. The order dated 14.02.2008

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shows that the prosecution case has already been closed on that day and now the case is pending for recording statement of the accused and thereafter hearing the defence argument but due to the petitioner/accused having been transferred to some another jail from the Sub Divisional Jail, Hilha where the trial Court situates despite production warrant of the Trial Court the accused could not be produced, hence, his statement could not be recorded.

It appears that the prosecution case has already been closed. It is only due to non-production of the accused before the Trial Court from Jail custody his statement could not be recorded and the case is not being disposed of after hearing arguments. The Trial Court is directed to take effective steps for procuring the attendance of the petitioner/accused from Jail custody for recording his statement and proceeding with the conclusion of the trial. Learned counsel for the petitioner submits that the petitioner accused is presently lodged in Beur Jail, Patna.

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Let a copy of this order be also sent to the Superintendent, Beur Jail, Patna for facilitating the

transmission of the petitioner/accused in connection with Hilsa(Karai) P.S. Case No.35 of 2003, S.T. No.513 of 2003 to Sub Divisional Jail, Hilsa, so that the statement of the accused may be recorded by the Trial Court for proceeding with the conclusion of the trial.

A copy of this order is also directed to the Jail Superintendent, Sub Divisional Jail, Hilsa, who is also directed to take all steps for procuring the attendance of the petitioner accused before the Trial Court for recording of his statement and for the conclusion of trial as soon as possible. The Trial Court will also see that the attendance of the petitioner/accused is procured by taking all efforts for conclusion of the trial as soon as possible. The bail application is rejected.

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The observation as mentioned above must be carried out by all concerned without any kind of failure on their part.

Let a copy of this order be communicated through fax to all the concerned.

(C.M. Prasad, J.)

Mkr.